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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,950	07/28/2003	Anthony Wayne Bond	3135/FBR	1644

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EXAMINER

HUYNH, KIM NGOC

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,950

Applicant(s)

BOND ET AL.

Examiner

Kim Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1 sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although the specification provides a dictionary for the claims, and the claims may be broader than the claims, the claims must be complete and self consistent so that the functional relationships between all of the elements/steps are clearly recited.

a. Claim 1 recites a CPU and a microprocessor. It is unclear what applicant defines as the CPU and microprocessor since the claim does not point out the correlation between the two items.

b. Claim 27 recites the protocol includes a command field; **[EXT intentionally omitted]** (step d). It is unclear what applicant intends to claim by this limitation. Clarification/correction required.

c. It is also request that acronyms (e.g. CPU, PSP, IOCB) in the claims are spelled out at least in the first occurrence to avoid being vague and indefinite.

Correction/clarification required.

2. The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being obvious over Stoner et al. (US 6,053,383) in view of Barall (US 4,860,006).

Strand discloses an interface for communicating with virtual device services comprising: a CPU 38 and IOCB 31, a PSP port (32-36); data protocol (packet switch protocol, col. 12, ll. 38) to transfer a plurality of message frames (packets); abstracted peripheral device data within body of said frames (MAC address).

Strand does not disclose the CPU and IOCB each comprising at least one intercharacter or interframe timeout counter. Barall discloses a method and system in a LAN network, wherein the CPU (master station 4) and IOCB (slave station 1-3) each having a interframe timeout circuit (adapter circuit 15, col. 3, ll. 17-20 and col. 8, l. 64 to col. 9, l. 26) to insure that there is a gap of time between successive frames transmitted.

It would have been obvious to one having ordinary skill in the art to modify the circuit of Strand with the adapter circuit of Barall in order provide a collision avoidance system that is simple and inexpensive while providing each station with fair and equal access to network (col. 2, ll. 40-55).

Allowable Subject Matter

5. Claims 1-25 and 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims

6. The following is a statement of reasons for the indication of allowable subject matter
Claims 1 and 27 recite, inter alia, a method or interface having protocol for transferring a plurality of message frames in a switch packet (PSP) environment having a protocol for abstracting the peripheral device data within body of said frames and monitoring/measuring the elapsed time between frames and characters.

The references of record do not teach or suggest the aforementioned limitation, nor would it be obvious to modify those references to include such limitation.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Strand et al. (US 5,991,824) discloses a system for providing simultaneous bandwidth I/O in a switched packet router system.

Pease et al. (US 5,759,102) discloses a gaming terminals for using packet switch communication.

Ofek (US 6,038,230) discloses a system for timely transmitting packet in a packet switched network with links having variable delays.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (571) 272-4147.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kim Huynh
Primary Examiner
Art Unit 2182

KH
11/3/04